

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

Lawrence

County

For Prothonotary Use Only:

Docket No:

10308-17

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

Complaint Writ of Summons
 Transfer from Another Jurisdiction Petition
 Declaration of Taking

Lead Plaintiff's Name:
 DH Marketing Concepts, Inc.

Lead Defendant's Name:
 EON Health Plan, LLC

Are money damages requested? Yes No

Dollar Amount Requested:
 (check one) within arbitration limits
 outside arbitration limits

Is this a *Class Action Suit*? Yes No

Is this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: John R. Seltzer

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other:

CONTRACT (do not include Judgments)

Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other
Services Provided
 Employment Dispute: Discrimination
 Employment Dispute: Other
 Other:

CIVIL APPEALS

Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

Zoning Board
 Other:

MASS TORT

Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other:

REAL PROPERTY

Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other:

MISCELLANEOUS

Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations
 Restraining Order
 Quo Warranto
 Replevin
 Other:

2017
 & CLERK

PROFESSIONAL LIABILITY

Dental
 Legal
 Medical
 Other Professional:

Updated 10/2011

EXHIBIT

A

IN THE COURT OF COMMON PLEAS OF
LAWRENCE COUNTY PENNSYLVANIA
CIVIL DIVISION

DH MARKETING CONCEPTS, INC.

No. 10308-17

Plaintiff,

Code _____

v.

COMPLAINT
CIVIL ACTION

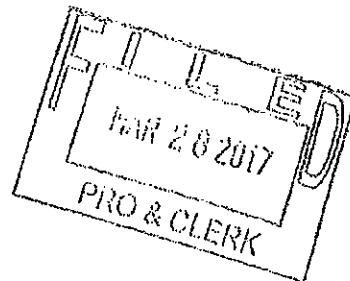
EON HEALTH PLAN, LLC and
AIC HOLDINGS, LLC, and
EDWARD LETKO

Defendants.

Filed on Behalf of Plaintiff
DH Marketing Concepts, Inc.

Counsel of Record for this Party:

JOHN R. SELTZER, ESQUIRE
SELTZER & HARPER
PA I. D. No. 06096
2625 Wilmington Road
New Castle PA 16105
(724) 652-0821



NOTICE TO DEFEND

YOU HAVE been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint is served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Answer and New Matter or for any other claim or relief requested by the Defendant. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Amy Dimuccio
Office of Lawyers Referral
Third Floor
Lawrence County Government Center
430 Court Street
New Castle, PA 16101
(724) 656-1921

SELTZER & HARPER

By: 

John R. Seltzer, Esquire
PA I.D. No.: 06096
2625 Wilmington Road
New Castle, PA 16105
(724) 652-0821

IN THE COURT OF COMMON PLEAS OF
LAWRENCE COUNTY PENNSYLVANIA
CIVIL DIVISION

DH MARKETING CONCEPTS, INC.

	:	No.
Plaintiff,	:	
v.	:	Code _____
	:	
	:	COMPLAINT
	:	CIVIL ACTION
EON HEALTH PLAN, LLC and	:	
AIC HOLDINGS, LLC and	:	
EDWARD LETKO	:	
Defendants.	:	

COMPLAINT IN CIVIL ACTION

NOW COMES Plaintiff, DH Marketing Concepts, Inc., hereinafter referred to as "DHMC", through its Attorney, John R. Seltzer, and brings this Complaint against the Defendants, Eon Health Plan, LLC, AIC Holdings, LLC and Edward Letko, collectively referred to as "Defendants", upon the following statement:

1. Plaintiff, DHMC, is a Pennsylvania corporation with its principal place of business at 703 Commerce Avenue, New Castle, Lawrence County, Pennsylvania, 16101.
2. Defendant, EON Health Plan, LLC, hereinafter referred to as "EON", is a Delaware limited liability corporation with its address at 3640 Enterprise Way, Miramar, Florida 33025.
3. Defendant, AIC Holdings, LLC, hereinafter referred to as "AIC", is a Delaware

limited liability corporation with its address at 3640 Enterprise Way, Miramar, Florida, 33025.

4. Defendant, Edward Letko, hereinafter referred to as "Letko", is an individual with an address at 3640 Enterprise Way, Miramar, Florida, 33025.
5. In May 2016, Joseph Agazzio, a representative of EON contacted DHMC to provide an estimate for printing, mailing and posting certain advertisements related to Medicare's annual election period for EON (the "Mailers Order").
6. On or about May 18, 2016, Joe DeGruttola, the President of DHMC, sent an email to Joseph Agazzio responding to his request for an estimate and providing an attached estimate for the Mailers Order. Joe Agazzio, on behalf of EON, approved and accepted DHMC's estimate via telephone. A copy of the May 18, 2016 email from Joe DeGruttola to Joe Agazzio and the accompanying estimate is attached hereto as Exhibit 1.
7. Subsequently, DHMC and EON agreed that the Mailers Order was to occur in four separate batches: Drop 1, Drop 2, Drop 3 and the Extra File. Between September 2016 and December 2016, the Plaintiff printed and posted the Mailers Order pursuant to the agreement between the parties.
8. In addition to the Mailers Order, DHMC also received three orders to print business cards from EON (the "Business Cards Order"). Dalia Abate, a representative of EON, contacted Joe DeGruttola to place an order for business cards for EON employees via emails on September 15, 2016, September 29, 2016 and December 16, 2016. Copies of the emails between Mr. DeGruttola and Ms.

Abate are attached hereto as Exhibit 2.

9. During the period from September 2016 to December 2016, Plaintiff sent EON a series of invoices for the Mailers Order. The Defendants paid the invoices associated with Drop 1 and Drop 2 of the Mailers Order but have not paid the invoices for Drop 3 and the Extra File. The following invoices associated with Drop 3 and the Extra File remain unpaid: Invoice 9760, dated October 10, 2016, for \$188,400.00; Invoice 9770, dated October 14, 2016, for \$9,930.08; and Invoice 9823, dated November 23, 2016 for \$86,187.20, which includes in its final amount a credit of \$89,958.40 from a previous unrelated order, collectively referred to as the "Mailers Order Invoices". Copies of the Mailers Order Invoices are attached hereto as Exhibit 3.
10. In addition, DHMC also prepared the Business Card Order for EON and sent the following invoices which remain unpaid: Invoice 9716, dated September 19, 2016, for \$40.00; Invoice 9739, dated September 29, 2016, for \$78.88; and Invoice 9863, dated December 19, 2016, for \$146.00, hereinafter collectively referred to as the "Business Card Invoices". Copies of the Business Card Invoices are attached hereto as Exhibit 4.
11. The total amount due to DHMC pursuant to the Mailers Order Invoices and the Business Card Invoices is \$284,782.16.
12. EON has stated that it will not pay the Mailers Order Invoices because of an incorrect phone number printed on the mailers. However, prior to printing and posting the mailers for Drop 3, Joseph Aggazio approved the template for the

mailers that included the incorrect phone number via email correspondence on October 26, 2016. A copy of the October 26, 2016 email correspondence wherein Joseph Aggazio approves the template for Drop 3 is attached hereto as Exhibit 5.

13. On or about March 15, 2017, the attorney for the Plaintiff sent written correspondence to the Defendants, EON, AIC, which has an ownership interest in EON, and Letko, the managing partner of EON, demanding payment of the delinquent Mailers Order Invoices and Business Cards Invoices in the amount of \$284,782.16. Copies of these letters are included hereto as Exhibit 4.
14. To date, the Defendants have failed to remit payment to the Plaintiff for the products and services provided by DHMC.

WHEREFORE, the Plaintiff respectfully requests this Honorable Court to enter a judgment against the Defendants in the amount of \$284,782.16 with interest and costs of suit.

COUNT I

BREACH OF EXPRESS CONTRACT

15. Paragraphs 1 through 14 are incorporated herein as though set forth at length.
16. On or about May 2016, EON entered into a contract with DHMC for the Mailers Order. See Exhibit 1.
17. On or about September 15, 2016, September 29, 2016 and December 16, 2016, EON entered into contracts with DHMC for the Business Cards Order. See Exhibit 2.
18. The Plaintiff provided the goods and services that the Defendants requested. See Exhibits 3-4.

19. The Defendants owe the Plaintiff \$284,782.16 for the goods and services provided. Despite repeated demands by the Plaintiff for payment, the Defendants have failed and refused to pay this amount.
20. Failure to remit to the Plaintiff the amount owed is a material breach of the agreements between the parties.
21. The breach as aforesaid has caused the Plaintiff injury in the amount of \$284,782.16.

WHEREFORE, the Plaintiff respectfully requests this Honorable Court to enter a judgment against the Defendants in the amount of \$284,782.16 with interest and costs of suit.

COUNT II

BREACH OF IMPLIED CONTRACT

In the event it is determined no express contracts exist between the Plaintiff and the Defendants, as alleged in Count I, the Plaintiff alleges as follows:

22. Plaintiff incorporates herewith all of the allegations set forth in paragraphs 1 through 21 as though the same were set forth herein.
23. On or about May 2016, the Defendants agreed to pay the Plaintiff for the Mailers Order.
24. On or about September 15, 2016, September 29, 2016, and December 16, 2016, the Defendants agreed to pay the Plaintiff for the Business Cards Order.
25. The Plaintiff provided the products and services requested by the Defendants.
26. The facts, as set forth herein, establish implied-in-law and implied-in-fact contracts between the Defendants and the Plaintiff.

27. Due to the existence of the implied-in-law and implied-in-fact contracts, the Plaintiff is entitled to compensation for the services it rendered to the Defendants.
28. The Plaintiff has demanded payment under the terms of the implied-in-law and implied-in-fact contracts but the Defendants have refused.
29. The Plaintiff has been damaged in the amount of \$284,782.16 by the refusal of the Defendants to pay for services provided in breach of the implied-in-law and implied-in-fact contracts.

WHEREFORE, the Plaintiff respectfully requests this Honorable Court to enter a judgment against the Defendants in the amount of \$284,782.16 with interest and costs of suit.

COUNT III

UNJUST ENRICHMENT

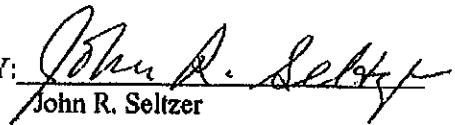
In the event that the Court finds that no express contracts or no implied contracts exist between the Plaintiff and the Defendants, as alleged in Count I and Count II, the Plaintiff alleges as follows:

30. The Defendant incorporates herewith all of the allegations set forth in paragraphs 1 through 29 as though the same were set forth herein.
31. As more fully described herein, the Plaintiff's expectation of payment from the Defendants was reasonable.
32. The Defendants retained the benefit of the bargain with the Plaintiff.
33. The Defendants have been unjustly enriched at the expense of the Plaintiff.
34. The Defendants' unjust enrichment at the Plaintiff's expense has damaged the Plaintiff in the amount of \$284,782.16.

35. The Defendants have refused to pay the Plaintiff for the services rendered.

WHEREFORE, the Plaintiff respectfully requests this Honorable Court to enter a judgment against the Defendants in the amount of \$284,782.16 with interest and costs of suit.

Respectfully submitted,

BY: 
John R. Seltzer
Attorney for DHMC
2625 Wilmington Road
New Castle, Pa., 16105

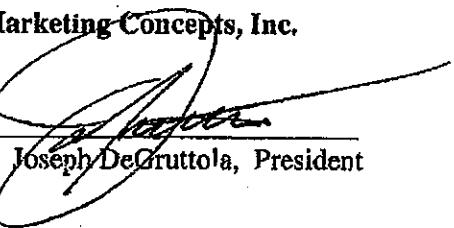
VERIFICATION

I, Joseph DeGruttola, the President of DH Marketing Concepts, Inc., verify that the facts set forth in the within Complaint in Civil Action are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DH Marketing Concepts, Inc.

Dated: 3-27-17

by:


Joseph DeGruttola, President

IN THE COURT OF COMMON PLEAS OF
LAWRENCE COUNTY PENNSYLVANIA
CIVIL DIVISION

DH MARKETING CONCEPTS, INC.

: No.

Plaintiff,

: Code _____

v.

: COMPLAINT
CIVIL ACTION

EON HEALTH PLAN, LLC and
AIC HOLDINGS, LLC and
EDWARD LETKO

Defendants.

CERTIFICATE OF SERVICE

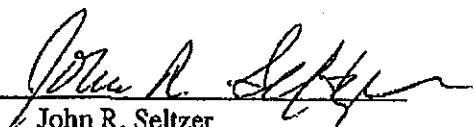
I, JOHN R. SELTZER, ESQUIRE, counsel of record for the Plaintiff, DH Marketing Concepts, Inc., hereby certify that on March 28, 2017, I mailed the Complaint by certified mail return receipt requested, postage prepaid, to the parties as follows:

EON Health Plan, LLC
3640 Enterprise Way
Miramar, Florida 33025

AIC Holdings, LLC
3640 Enterprise Way
Miramar, Florida 33025

Mr. Edward Letko
3640 Enterprise Way
Miramar, Florida 33025

BY:


John R. Seltzer
Attorney for DHMC
2625 Wilmington Road
New Castle, Pa., 16105

Joe DeGruttola

Attachment A pg 1

From: Joe DeGruttola <joed@dhmarketing.com>
Sent: Wednesday, May 18, 2016 4:11 PM
To: 'Joe Aggazio'; 'Dalla Abate'
Cc: 'Dan Gurgiolo'; 'ashleyh@dhmarketing.com'
Subject: EON Health - Initial Demo Data Pulls - AEP DM Estimate
Attachments: EON Health - DHM Initial list pull GA and SC COUNTS.xlsx; EON Health AEP 2016 EST # 9561.pdf
Importance: High

Joe and Dalla, *Love the new Logo.*

~~Attached~~ is the AEP Estimate (per your request) so you can present for budget approval.

~~Attached~~ is the List Breakout by county and state (income & age & ailments). This is "rough pull" so it can give us a starting point and idea of numbers. More time is required to give a more granular numbers....

What is some of your feedback?

I also want to come visit you both in June to review AEP strategies, campaign, Shopping Cart, Fulfillment, Promotional, etc.... *I know it will be hot but I don't care.*

Let me know dates ???

Thanks so much

Joe D.



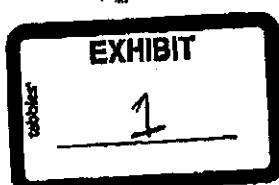
Joseph M. DeGruttola
MBA, CDMR, MDP, Six Sigma – Green Belt

Plant/Facility
Shenango Commerce Park
703 Commerce Ave
New Castle, PA 16101

Sales Office
Two Gateway Center
600 Stanwix St., Suite 1627
Pittsburgh, PA 15222

www.dhmarketing.com

1



Attachment A pg 2

DH Marketing Concepts, Inc
703 COMMERCE AVE.
NEW CASTLE, PA 16101

Estimate

Date	Invoice #
5/18/2016	9561

Bill To
BON Health ATTN: Joe Agazio 3620 Enterprise Way Miramar, FL 33025

P.O. No.	Terms	Due Date	Rep
Joe Agazio	Net 30	6/17/2016	JMD

Quantity	Description	Rate	Amount
1,327,000	BON Health ABP DM Campaigns - 1,327,000 pos PRINTING: 65# white cover matte finish, 4/4 Cut & Trim Finish size: 4 1/4 x 6 MAILING SERVICES: DBase Setup, CASS Cert., NCOA Ink Jet variable (simplex) Perf, Fold, Glue Seal SHIPPING, HANDLING, & DELIVERY TO POST OFFICE (VAN)	0.19	252,130.00
1,327,000	POSTAGE: DHM Flated Post Std rates - 8125 to SCF centers	0.22	291,940.00
Thank you for your business.			Total <i>0.41/mil</i>

Attachment A pg 3

DH Marketing Concepts, Inc
703 COMMERCIAL AVE.
NEW CASTLE, PA 16101

Estimate

Date	Invoice #
5/18/2016	9561

Bill To	
EON Health ATTN: Joe Agazio 3620 Enterprise Way Miramar, FL 33025	

P.O. No.	Terms	Due Date	Rep
Joe Agazio	Net 30	6/17/2016	JMD

Quantity	Description	Rate	Amount
	** Estimate for mailing campaigns throughout AEP 2016		
Thank you for your business.			Total \$544,070.00

Jenn Malik <jmaliklaw@gmail.com>

Fwd: FW: Business Cards

1 message

Joe DeGruttola <joed@dhmarketing.com>
To: jmaliklaw@gmail.com

Fri, Mar 24, 2017 at 4:29 PM

Joseph M. DeGruttolawww.dhmarketing.com

O:

C:

*Sent from my Verizon 4G LTE Droid***Forwarded message****From:** Dan Gurgiolo <dgurgiolo@dhmarketing.com>
Date: Mar 24, 2017 4:10 PM
Subject: FW: Business Cards
To: 'Joe DeGruttola' <joed@dhmarketing.com>
Cc:

This email is in reference to Inv # 9716

From: Della Abate [mailto: delabate@dhmarketing.com]
Sent: Thursday, September 15, 2016 2:28 PM
To: dgurgiolo@dhmarketing.com; Dan Gurgiolo <dgurgiolo@dhmarketing.com>
Cc: Joseph Aggazio <jaggazio@dhmarketing.com>
Subject: Business Cards

Hi Joe/Dan,

Can you please print 100 business cards each employee?

Kent Stephen
Network Development
3640 Enterprise Way
Miramar FL 33025
Cell

Please mail Kent's business cards:

28 Eastman Road
Cape Elizabeth, ME 04107



Angela Barbee
Network Development
3640 Enterprise Way
Miramar FL 33025
Cell

Please mail Angela's business cards to:

7686 County Line Rd
Collinsville IL 62234

Thank you,
Dalla

Jenn Malik <jimalliklaw@gmail.com>

Fwd: FW: Eon business cards

2 messages

Joe DeGruttola <joed@dhmarketing.com>
To: jimalliklaw@gmail.com

Fri, Mar 24, 2017 at 4:28 PM

Joseph M. DeGruttola

www.dhmarketing.com

O:

C:

Sent from my Verizon 4G LTE Droid

----- Forwarded message -----

From: Dan Gurgiolo <Dan.Gurgiolo@dhmarketing.com>
Date: Mar 24, 2017 4:07 PM
Subject: FW: Eon business cards
To: 'Joe DeGruttola' <joed@dhmarketing.com>
Cc:

This email is in reference to Inv # 9663.

From: Dalia Abate [mailto:Dalia.Abate@dhmarketing.com]]
Sent: Friday, December 16, 2016 11:54 AM
To: Dalia.Abate@dhmarketing.com; Dan Gurgiolo <Dan.Gurgiolo@dhmarketing.com>
Cc: Joseph Aggazio <Joseph.Aggazio@dhmarketing.com>
Subject: RE: Eon business cards

Hi Joe and Dan,

Please print and mail 50 business cards for each employee:

Melissa Smith
Provider Relations/Contracting Specialists
3640 Enterprise Way
Miramar, FL 33026

(cell)

Please mail to:

Melissa Smith

3/25/2017

Gmail - Fwd: FW: Eon business cards

1716 Dug Gap Rd Apt 6

Dalton, GA 30720

Ely Cuevas

Director of Provider Relations/ Network Development
3640 Enterprise Way
Miramar, FL 33025

Cell #

Please mail to:

Ely Cuevas
3640 Enterprise Way
Miramar, FL 33025

Thank you,

Dalia

From: Dalia Abate
Sent: Thursday, September 29, 2016 11:29 AM
To: ; Dan Gurgiolo <>
Cc: Joseph Aggazio <>
Subject: Eon business cards

Hi Joe and Dan,

Please print and mail 100 business cards for each employee:

Joan Reeves

Provider Relations

Cell

3640 Enterprise Way
Miramar FL, 33025

Please mail to:
569 Truman Drive
Goose Creek SC 29445

Michael Barnes
Provider Relations
Cell

3640 Enterprise Way
Miramar FL, 33025

Please mail to:
3193 Church St.
East Point GA 30344

Thank you,
Dalia

Joe DeGruttola <joed@dhmarketing.com>
To: jimalklaw@gmail.com

Fri, Mar 24, 2017 at 4:29 PM

Joseph M. DeGruttola

www.dhmarketing.com

O:

C:

Sent from my Verizon 4G LTE Droid

----- Forwarded message -----

From: Dan Gurgiolo <[>](mailto:)
Date: Mar 24, 2017 4:10 PM
Subject: FW: Eon business cards
To: 'Joe DeGruttola' <[>](mailto:)
Cc:

This email is in reference to Inv # 9739

3/25/2017

Gmail - Fwd: FW: Eon business cards

From: Dan Gurgiolo [mailto:dan.gurgiolo@eonenergy.com]
Sent: Thursday, September 29, 2016 11:55 AM
To: 'Dalia Abate' <Dalia.Abate@eonenergy.com>
Subject: RE: Eon business cards

Will do. Thanks!

From: Dalia Abate []
{Quoted text hidden}
{Quoted text hidden}

DH Marketing Concepts, Inc
703 COMMERCE AVE.
NEW CASTLE, PA 16101

✓
Invoice

Date	Invoice #
10/10/2016	9760

Bill To
EON HEALTH Attn: Accounts Payable 3640 Enterprise Way Miramar, FL 33025

P.O. No.	Terms	Due Date	Rep
Joe Aggazio	Net 30	11/9/2016	JMD

Quantity	Description	Rate	Amount
471,000	EON Health ABP DIRECT MAIL Campaigns - DROP #3 PRINTING AND MAILING SERVICES: DM #3 DROPS: 11/11	0.18	84,780.00
471,000	POSTAGE: DM #3 DROPS: 11/11	0.22	103,620.00
Thank you for your business.			
		Total	\$188,400.00



DH Marketing Concepts, Inc

703 COMMERCE AVE.
NEW CASTLE, PA 16101

Invoice

Date	Invoice #
10/14/2016	9770

Bill To
Liberty Health and Life ATTN: Accounts Payable 3620 Enterprise Way Miramar, FL 33025

P.O. No.	Terms	Due Date	Rep
Drew M	Net 30	11/13/2016	JMD

Quantity	Description	Rate	Amount
132,401	AEPM Mailers List Purchases - 132,401 pcs 2 Counties in OH 1 County in NC Names/addresses of age 65 ~ 80 with income of 10k to 50k	0.075	9,930.08
Thank you for your business.			Total \$9,930.08

DH Marketing Concepts, Inc

703 COMMERCE AVE.
NEW CASTLE, PA 16101

✓
Invoice

Date	Invoice #
11/23/2016	9823

Bill To
EON HEALTH Attn: Accounts Payable 3640 Enterprise Way Miramar, FL 33025

P.O. No.	Terms	Due Date	Rep
Joe Aggazio	Net 30	12/23/2016	JMD

Quantity	Description	Rate	Amount
440,364	BON Health ABP DIRECT MAIL EXTRA FILE (Drop 1, Drop 2, Drop 3 Design) PRINTING AND MAILING SERVICES: DM #1 DROP = 161,788 pcs DM #2 DROP = 116,788 pcs DM #3 DROP = 161,788 pcs	0.18	79,265.52
440,364	POSTAGE: DM #1 DROP = 161,788 pcs DM #1 DROP = 116,788 pcs DM #1 DROP = 161,788 pcs ** Over Payment for DM #1, DM #2, DM #3 Invoices	0.22	96,880.08
		-89,958.40	-89,958.40
Thank you for your business.			Total \$86,187.20

DH Marketing Concepts, Inc

703 COMMERCE AVE.
NEW CASTLE, PA 16101

**✓
Invoice**

Date	Invoice #
9/19/2016	9716

Bill To
BON HBALTH Attn: Accounts Payable 3640 Enterprise Way Miramar, FL 33025

P.O. No.	Terms	Due Date	Rep
Joe A.	Net 30	10/19/2016	JMD

Quantity	Description	Rate	Amount
	BON Health Business cards - 200 pcs. Kent Stephen - 100 pcs. Angela Barbee - 100 pcs. PRINTING OF BUSINESS CARDS	20.00 20.00	20.00 20.00
Thank you for your business.			
		Total	\$40.00



DH Marketing Concepts, Inc
703 COMMERCE AVE.
NEW CASTLE, PA 16101

✓
Invoice

Date	Invoice #
9/29/2016	9739

Bill To
EON HEALTH Attn: Accounts Payable 3640 Enterprise Way Miramar, FL 33025

P.O. No.	Terms	Due Date	Rep
Jee A	Net 30	10/29/2016	JMD

Quantity	Description	Rate	Amount
	EON Health Business cards - 100 pcs. Joan Reaves - 50 pcs. Michael Baines - 50 pcs.	20.00 20.00	20.00 20.00
	SETUP & PRINTING OF BUSINESS CARDS SHIPPED FEDEX	10.00 28.88	10.00 28.88
Thank you for your business.			
		Total	\$78.88

DH Marketing Concepts, Inc
703 COMMERCE AVE.
NEW CASTLE, PA 16101

✓
Invoice

Date	Invoice #
12/19/2016	9863

Bill To
BON HEALTH Attn: Accounts Payable 3640 Enterprise Way Miramar, FL 33025

P.O. No.	Terms	Due Date	Rep
Joe A.	Net 30	1/18/2017	JMD

Quantity	Description	Rate	Amount
	BON Health Business cards - 100 pcs. Design & Setup fee for 2 new people Melissa Smith - 50 pcs. Ely Cuevas - 50 pcs.	85.00 20.00 20.00	85.00 20.00 20.00
	PRINTING OF BUSINESS CARDS SHIPPED FEDEX	21.00	21.00
Thank you for your business.			Total \$146.00

Dan Gurgiolo

Attachment H pg 1

From: Joseph Aggazio <JAggazio@eonhp.com>
Sent: Wednesday, October 26, 2016 11:13 AM
To: Dan Gurgiolo; Angela Jackson
Cc: 'Joe DeGruttola'
Subject: RE: Direct Mail 3 approvals needed...

Approved

From: Dan Gurgiolo [mailto:dang@dhmarketing.com]
Sent: Wednesday, October 26, 2016 10:31 AM
To: Angela Jackson; Joseph Aggazio
Cc: 'Joe DeGruttola'
Subject: RE: Direct Mail 3 approvals needed...

Proofs with ID numbers inserted attached

From: Angela Jackson [mailto:AJackson@eonhp.com]
Sent: Wednesday, October 26, 2016 10:04 AM
To: Joseph Aggazio <JAggazio@eonhp.com>; Joe DeGruttola <joe@dhmarketing.com>; Dan Gurgiolo <dang@dhmarketing.com> <dang@dhmarketing.com>; drewarthurmeyer@gmail.com
Cc: Dalia Abate <DAbate@eonhp.com>
Subject: FW: Direct Mail 2 approvals needed...

Here are the material ID numbers for DM3.

DSNP Y0122_0070 Accepted
MAPD Y0122_0071 Accepted
CSNP Y0122_0072 Accepted

Once DM3 is approved by Joe A., I will submit to CMS.

Note: I don't have record of receiving the final approved DM2 to submit to CMS.

Please send me the final DM2 to submit to CMS.

Thank you.

From: Dan Gurgiolo [mailto:dang@dhmarketing.com]
Sent: Wednesday, October 26, 2016 9:14 AM
To: Angela Jackson <AJackson@eonhp.com>
Cc: 'Joe DeGruttola' <joe@dhmarketing.com>; 'Drew Meyer' <drewarthurmeyer@gmail.com>
Subject: RE: Direct Mail 2 approvals needed...

Revised proofs attached. Proofs also sent to Joe A in a separate email.

From: Joseph Aggazio [mailto:JAggazio@eonhp.com]
Sent: Tuesday, October 25, 2016 6:51 PM
To: Dan Gurgiolo <dang@dhmarketing.com>; Angela Jackson <AJackson@eonhp.com>

1

EXHIBIT

5

Cc: 'Joe DeGruttola' <joed@dhmarketing.com>; Drew Meyer <DMeyer@cirrussoft.us>
Subject: RE: Direct Mail 2 approvals needed...

Attachment H ff2

Dan Please update the Phone numbers

CSNP 884.895.9132
DSNP 884.895.9133
MAPD 884.895.9131

3 writing it's
 Doesn't work

Also on all please add the (th) to December 7th where the year does NOT follow

On CSNP need to add Commas where needed on the intro paragraph on the two also remove the extra "and"

Dear <Name>,

If you're living with diabetes or a heart condition, selecting a specialized health plan is especially important to you. Eon Silver, Eon Gold and Eon Platinum are designed specifically for individuals living with diabetes, a cardiovascular disorder or chronic heart failure. Benefits include coverage for physician visits, hospitalizations, and access to specialists to treat and manage symptoms that can arise from living with a chronic condition, as well as:

- Prescription plans including \$11 copay on important diabetes and cardiovascular maintenance medications • Humalog, Novolog, Lantus, Levemir, Januvia... and many more!
- \$0 copay for dental visits including dentures
- \$125 plan coverage towards new wear every year

From: Dan Gurgiolo [mailto:dang@dhmarketing.com]

Sent: Tuesday, October 18, 2016 9:18 AM

To: Angela Jackson; Joseph Aggazio

Cc: 'Joe DeGruttola'

Subject: RE: Direct Mail 2 approvals needed...

Revised proofs attached.

From: Angela Jackson [mailto:AJackson@eonhp.com]

Sent: Monday, October 17, 2016 9:28 PM

To: Joseph Aggazio <JAggazio@eonhp.com>; Dan Gurgiolo <dang@dhmarketing.com>; 'Joe DeGruttola'

<joed@dhmarketing.com>

Cc: Dalia Abate <DAbate@eonhp.com>

Subject: RE: Direct Mail 2 approvals needed...

Also must include plan type, at minimum, in first instance of the document, Eon Deluxe (HMO SNP), Eon Select (HMO), Eon Choice (PPO) Eon Prime (PPO) Eon Silver (HMO SNP), Eon Gold (HMO SNP), and Eon Platinum (HMO SNP).

Meterle! IDs for DM 2

DSNP Y0122_0067 Accepted

MAPD Y0122_0068 Accepted

CSNP Y0122_0069 Accepted

Once final and email approval is received from Joe A, please forward to me for submission to CMS.

Thank you.

Attachment H pg 3

From: Joseph Aggazio
Sent: Monday, October 17, 2016 8:41 PM
To: Dan Gurgiolo <dgang@dhmarketing.com>; Angela Jackson <AJackson@eonhp.com>
Cc: 'Joe DeGruito' <joed@dhmarketing.com>; Dalia Abate <DAbate@eonhp.com>
Subject: RE: Direct Mail 2 approvals needed...

Dan please see comments within PDF on each

Let me know if you have questions

Thanks

From: Dan Gurgiolo [dgang@dhmarketing.com]
Sent: Friday, October 14, 2016 12:14 PM
To: Joseph Aggazio; Angela Jackson
Cc: 'Joe DeGruito'
Subject: Direct Mail 2 approvals needed...
Importance: High

Attached is artwork for Direct Mail 2 Letters and BRC. We would like to begin printing these as soon as possible. I am missing approval codes for all 3. Please review attached layouts and provide codes asap. Thanks!



Dan Gurgiolo
Graphics Director, MDP

Plant/Facility
Shenango Commerce Park
703 Commerce Ave
New Castle, PA 16101

Sales Office
Two Gateway Center
600 Stanwix St., Suite 1627
Pittsburgh, PA 15222

www.dhmarketing.com
P: 724.657.6970

Attachment I pg4

**Get the benefits
you deserve,
before it's too late!**

Enrollment ends December 7th! Call today

1-884-895-9131

6 a.m. to 8 p.m., 7 days a week

**Eon
Health**

www.eonhealthplan.com

**Eon
Health**

THIS IS AN
ADVERTISEMENT

Call today to learn about programs
that could reduce your monthly insurance
out-of-pocket costs.

1-884-895-9131

6 a.m. to 8 p.m., 7 days a week



Attachment F, pg2

**Get the benefits
you deserve,
before it's too late!**

Enrollment ends December 7th! Call today

1-884-895-9133

8 a.m. to 8 p.m., 7 days a week



THIS IS AN
ADVERTISEMENT

Call today to learn about our
health plans designed just for you.

1-884-895-9133



SELTZER & HARPER

An Association of Independent Attorneys & Counselors at Law

JOHN R. SELTZER
RICHARD A. HARPER

2625 WILMINGTON ROAD
NEW CASTLE, PENNSYLVANIA 16105
PHONE 724-652-0821, 652-9231
FAX 724-652-7984

March 15, 2017

COPY

Mr. Edward Letko
Managing Partner
EON Health Plan
3640 Enterprise Way
Miramar, FL 33025

Dear Mr. Letko,

Our office represents DH Marketing Concepts, Inc., of 703 Commerce Avenue, New Castle, PA 16101.

Their account records show your company has failed to pay the enclosed invoices from October 10, 2016 through December 19, 2016, in the amount of \$284,782.16.

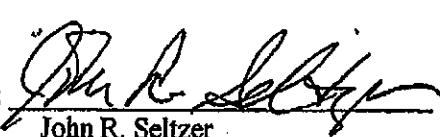
DH Marketing Concepts, Inc., advises our office that the invoiced products and services provided for your company which we understand includes EON Health and Liberty Health and Life. Our office further understands that these services and products were received by your company without any complaints and that you are satisfied with DH Marketing's service.

Our office further understands that your company has paid similar invoices and has on numerous occasions promised to pay the enclosed invoices.

Please advise our office when DH Marketing Concept, Inc., will receive payment of these overdue invoices. We will appreciate a prompt response by March 22, 2017.

Thank you for your attention to this matter.

Very truly yours,

BY: 
John R. Seltzer

JRS/pgh
Enclosures

EXHIBIT

6

SELTZER & HARPER

An Association of Independent Attorneys & Counselors at Law

JOHN R. SELTZER
RICHARD A. HARPER

2625 WILMINGTON ROAD
NEW CASTLE, PENNSYLVANIA 16105

PHONE 724-652-0821, 652-9231
FAX 724-652-7984

March 15, 2017

Mr. Edward Letko
President
A1C Holdings, LLC
3640 Enterprise Way
Miramar, FL 33025

COPY

Dear Mr. Letko,

Our office represents DH Marketing Concepts, Inc., of 703 Commerce Avenue, New Castle, PA 16101.

Their account records show your company has failed to pay the enclosed invoices from October 10, 2016 through December 19, 2016, in the amount of \$284,782.16.

DH Marketing Concepts, Inc., advises our office that the invoiced products and services provided for your company which we understand includes EON Health and Liberty Health and Life. Our office further understands that these services and products were received by your company without any complaints and that you are satisfied with DH Marketing's service.

Our office further understands that your company has paid similar invoices and has on numerous occasions promised to pay the enclosed invoices.

Please advise our office when DH Marketing Concept, Inc., will receive payment of these overdues invoices. We will appreciate a prompt response by March 22, 2017.

Thank you for your attention to this matter.

Very truly yours,

BY:



John R. Seltzer

JRS/pgh
Enclosures

SELTZER & HARPER

An Association of Independent Attorneys & Counselors at Law

JOHN R. SELTZER
RICHARD A. HARPER

2625 WILMINGTON ROAD
NEW CASTLE, PENNSYLVANIA 16105

PHONE 724-652-0821, 652-9231
FAX 724-652-7984

March 15, 2017

COPY

Steven King
Chief Compliance Officer
A1C Holdings, LLC
3640 Enterprise Way
Miramar, FL 33025

Dear Mr. King,

Our office represents DH Marketing Concepts, Inc., of 703 Commerce Avenue, New Castle, PA 16101.

Their account records show your company has failed to pay the enclosed invoices from October 10, 2016 through December 19, 2016, in the amount of \$284,782.16.

DH Marketing Concepts, Inc., advises our office that the invoiced products and services provided for your company which we understand includes EON Health and Liberty Health and Life. Our office further understands that these services and products were received by your company without any complaints and that you are satisfied with DH Marketing's service.

Our office further understands that your company has paid similar invoices and has on numerous occasions promised to pay the enclosed invoices.

Please advise our office when DH Marketing Concept, Inc., will receive payment of these overdue invoices. We will appreciate a prompt response by March 22, 2017.

Thank you for your attention to this matter.

Very truly yours,

BY: 
John R. Seltzer

JRS/pgh
Enclosures